



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:	BOARD OF PROFESSIONAL LAND SURVEYORS
DATE AND TIME:	Thursday, November 15, 2012 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
APPROVED:	January 17, 2013

MEMBERS PRESENT

Michael Szymanski, Professional Member, Chair
James Bielicki, Jr., Professional Member, Vice Chair
Laurence McBride, Professional Member
Thomas Plummer, Professional Member
Mark Rosenthal, Public Member

DIVISION STAFF

Patricia Davis-Oliva, Deputy Attorney General (entered at 9:23 a.m.)
Amanda McAtee, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III

MEMBERS ABSENT

Kenneth Monroe, Public Member

PUBLIC

Michael Early

CALL TO ORDER

Mr. Szymanski called the meeting to order at 9:02 a.m.

Review and Approval of Minutes

Mr. Rosenthal made a motion, seconded by Mr. McBride, to approve the October 18, 2012 minutes. By unanimous vote, the motion carried.

Unfinished Business

Legislative Memo from James Collins

Ms. Davis-Oliva stated that Mr. Collins requested that all Boards submit documentation to his office for proposals of legislative changes by November 16, 2012. Ms. Davis-Oliva stated that she had submitted the Board's requests to Mr. Collins.

Retired Status Update – Ms. Davis-Oliva

Ms. Davis-Oliva stated that she had proposed the inactive status as an alternative to the retired status. She has recently spoken to the Division's System Analyst, Susan Miccio who informed her that the retired status and inactive status were two different things. The retired status would be permanent and the expiration date would remain in the past. If a licensee with a retired status decided to come out of retirement and be relicensed, they would have to apply as a new applicant. An inactive status would be used for licensees that wish to suspend their license for a period of time and then return to practice. Ms. Miccio informed Ms. Davis-Oliva that licensees could currently submit a written request to retire their license in the licensing system.

Mr. Szymanski stated that there was nothing in the statute regarding retired status but in the Rules and Regulations, Rule 10.12 stated:

10.12 Retired Licensees. Licensees 62 years old and over who are retired (working less than 20 hours weekly) shall need only twelve (12) PDHs, including one ethics PDH, each biennium to satisfy the professional development requirements outlined herein.

Ms. Davis-Oliva stated that the Board had the authority to state this in Rule 10.12 under continuing education requirements but there was nothing in the statute regarding the retired status.

Mr. Szymanski stated that the Board should have an inactive status because no vehicle currently existed to move towards suspending work.

Ms. Davis-Oliva stated that the Board could work to put a retired status in the statute. Once a retired status became part of the statute the Board would then need to strike Regulation 10.12 from the Rules and Regulations.

The Board agreed that Ms. Davis-Oliva should continue the proceedings to get an inactive status in the statute and should continue to pursue a retired status. Ms. Davis-Oliva stated that she was not as confident with the retired status because of the possible computer issues it could create for the Division.

Kenneth Schilling – Review of Ethics Course

Mr. Szymanski reviewed the final Board order for Mr. Schilling. The Board order was signed on September 21, 2012, and as of November 13, 2012, Mr. Schilling had not paid his fine. Ms. Davis-Oliva stated that Mr. Schilling was subject to further penalty since he was in violation of his Board order. If the Board chose to, Mr. Schilling could be summoned to appear before the Board at a rule to show cause hearing. Mr. Schilling would have to explain to the Board why he should not be further disciplined. Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to schedule Mr. Schilling for a show cause hearing.

NEW BUSINESS

Courses for Continuing Education Approval

Mr. Plummer reviewed the PDH request from Vincent Monreal for the approval of the course AutoCad Civil 3D offered by Harken-Reidar, Inc. Mr. Plummer made a motion, seconded by Mr. McBride, to approve the course for 16 PDHs as requested. By unanimous vote, the motion carried.

Review of Applications for Licensure by Examination

There were no applications for examination to review.

Review of Application for Licensure by Reciprocity

Harry Adam Williams, Pennsylvania

Mr. Bielicki summarized the application for licensure by reciprocity for Harry Adam Williams from the State of Pennsylvania. Mr. Bielicki made a motion, seconded by Mr. McBride, to approve Mr. Williams's application and grant approval to sit for the Delaware Drainage & Jurisprudence Examination. By unanimous vote, the motion carried.

Jeffrey A. McDonald, Maryland

Mr. Bielicki reviewed the application for licensure by reciprocity for Jeffrey A. McDonald. Mr. Bielicki stated that Mr. McDonald was currently licensed in the State of Maryland and the verification form from the State of Maryland stated that he passed the Principles and Practice of Surveying (PS) exam but not the Fundamentals of Surveying (FS) exam. Mr. Bielicki reviewed the State of Maryland's licensure requirements. The State of Maryland allows applicants to bypass the FS exam requirement if they possess a certain level of experience. Mr. Szymanski informed the Board that the statute under Title 24 Chapter 27 § 2709. Reciprocity stated:

(b) An applicant who is licensed or registered in a state whose standards are not substantially similar to those of this State shall have practiced for a minimum of 5 years after licensure; provided, however, that the applicant meets all other qualifications for reciprocity in this section.

Mr. Szymanski recommended approving Mr. McDonald's application because he had been licensed in the State of Maryland for at least five years. Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to approve Mr. McDonald's application and grant approval to sit for the Delaware Drainage & Jurisprudence Examination. By unanimous vote, the motion carried.

Review of Application for Surveyor Intern

There were no applications for surveying interns to review.

Ratification of Issuance of Land Surveying Certificates of Authorization

Peterman Maxcy Associates, LLC

Mr. Bielicki made a motion, seconded by Mr. Rosenthal, to ratify the application of Certificate of Authorization for Peterman Maxcy Associates, LLC. By unanimous vote, the motion carried.

Review of Land Surveying Certificate of Authorization

There were no applications for land surveying certificates of authorization to review.

Review of Audit

There were no audits to review.

Complaint Assignments

There were no new complaints received in November.

Complaint Status

Mr. Szymanski reported that complaint 05-06-10 had been re-scheduled for a hearing before the Board on February 21, 2013, and complaint 05-01-12 was assigned to Mr. Plummer.

Closed Complaints

Mr. Bielicki reported that complaint 05-04-10 had been dismissed by the Attorney General's office due to insufficient evidence.

Wall Certificates

There were no wall certificates.

Executive Session

Mr. Rosenthal made a motion; seconded by Mr. McBride, to go into Executive Session at 9:54 a.m. to discuss a non-public record pursuant to 29 DE, code 1002G3, investigatory file. By unanimous vote, the motion carried.

Executive session ended at 10:21 a.m.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Mr. McBride questioned if disciplined licensees were being reported to a central database.

Ms. Paquette replied that the Board office communicated with NCEES and that they maintained a national database.

Mr. Szymanski stated that his term as chairman would be up at the January 2013 meeting. Ms. McAtee stated that the Board election would take place at the January 2013 meeting and would appear on the next agenda.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

The next meeting of the Board is January 17, 2013 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Rosenthal made a motion, seconded by Mr. McBride, to adjourn the meeting at 10:23 a.m. By unanimous vote, the motion carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.